

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3961 of 2019**

Rajesh Puraina S/o Sarju (wrongly mentioned as Suraj) Puraina, aged about 28 years, R/o Village Sukhatal, Police Station Dadhi, District Bemetara (C.G.).

--- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Out Post Dashrangpur, Police Station Pipariya, Civil and Revenue District Kabirdham (C.G.)

---- Respondent

For Applicant	:	Mr. Dharmesh Shrivastava, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

06/08/2019

1. The Applicant has preferred this Third bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 245/2018 registered at Police Station Pipariya, Out Post Dashrangpur, District Kabirdham (C.G.) for the offence punishable under Sections 376 and 506 of the IPC.
2. First bail application of the Applicant was withdrawn with liberty to file afresh after examination of the Prosecutrix vide order dated 17/01/2019 passed in MCRC No. 9979/2018. Second Application of the Applicant was withdrawn vide order dated 27/02/2019 passed in MCRC No. 1418/2019.
3. As per prosecution story, on 20/09/2018 the Prosecutrix, a girl aged about 22 years lodged a written report alleging therein that one day

when she was alone at her house, the Applicant came there and on the pretext of marriage, committed sexual intercourse with her. Thereafter, he on the false promise of marriage, continuously committed sexual intercourse with her for about 3 years and ultimately denied to perform marriage with her. He also threatened her not to disclose the matter. On these back grounds, offence has been registered and the Applicant has been arrested on 21/09/2018.

4. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case due to some dispute. He further submits that the Prosecutrix has already been examined before the trial Court and from her statement it appears that she was the consenting party. Since she is a major lady and was consenting party, therefore, no offence under Section 376 of the IPC can be made out against the Applicant. The Applicant is in custody in 21/09/2018, charge-sheet has been filed and trial will take time, therefore, the Applicant may be released on bail.
5. Counsel appearing on behalf of the State also opposes the bail application.
6. I have heard learned counsel for both the parties.
7. Considering the entire facts and circumstances of the case, particularly considering that the Applicant is in custody since 21/09/2018, charge-sheet has been filed, the incident is prior to 3-4 years from the date of lodging of the report and from the statement of the Prosecutrix, it seems that she was the consenting party, without further commenting

on merit of the case, I am inclined to release the Applicant on bail.

8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs. 20,000/- with one surety of the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul